

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Babatunde A. Reuben,

Case No. 23-cv-3423 (NEB/ECW)

Plaintiff,

v.

ORDER

Dr. Jason A. Ziemer; Park Dental
Maplewood; U Care; and
Delta Dental of Minnesota,

Defendants.

Pro se Plaintiff Babatunde A. Reuben filed his Complaint in this matter on November 7, 2023. (Dkt. 1.) After Defendants filed Motions to Dismiss (Dkts. 12, 17, 20), Reuben filed an Amended Complaint, which the Clerk's Office received on February 6, 2024 (Dkt. 42). On February 12, 2024, Defendants withdrew their Motions to Dismiss in view of the Amended Complaint (Dkts. 43, 44, 45), and filed new Motions to Dismiss on February 20, 2024 (Dkts. 47, 48, 60.)

Then, on March 1, 2024, Reuben filed an "Amend 2" Complaint (Dkt. 68), hereinafter referred to as the "Second Amended Complaint." In a March 5, 2024 Order, the Court struck Reuben's Second Amended Complaint for failure to file a motion for leave to file the Second Amended Complaint that "compl[ied] with Federal Rule of Civil Procedure 15(a) and Local Rule 15.1." (Dkt. 70 at 3-4.) The Court, however, gave "Reuben until **March 19, 2024** to file a motion for leave to amend his Amended Complaint (Dkt. 42) that complies with Rule 15(a) and Local Rule 15.1." (*Id.*) The Court also provided Reuben with links to resources for pro se litigants, including the District of Minnesota Guidebook, the Local Rules for the District of Minnesota, and the

Federal Rules of Civil Procedure. (*Id.* at 3-4.) Finally, the Court advised the parties that “nothing in this Order alters the deadlines applicable to the Motions to Dismiss at Dockets 47, 48, and 60.” (*Id.* at 4.)

On March 15, 2024, Reuben filed a document titled “Plaintiff’s Motion for leave to file Second Amended Complaints,” hereinafter referred to as the “Motion.” (Dkt. 71.) In the Motion, Reuben explained that he did not know that he needed to file a motion for leave to amend, stated that if he had known he “would have done so,” and requested leave to file a second amended complaint. (*Id.* at 2.) Reuben further explained the difficulty he has had obtaining legal advice as a pro se plaintiff. (*Id.* at 2-3.) On March 22, 2024, Defendants filed a response jointly opposing Reuben’s Motion and highlighting the fact that Reuben did not comply with the rules or the Court’s March 5, 2024 Order by submitting a new second amended complaint with the Motion. (Dkt. 72.) Then, on March 25, 2024—after the March 19, 2024 deadline—Reuben submitted a document titled “Amended-2” as a proposed second amended complaint. (Dkt. 75.)

Neither Reuben’s Motion nor the “Amended-2” document complies with District of Minnesota Local Rule 15.1 or the Court’s March 5, 2024 Order. Local Rule 15.1 states:

(a) Amended Pleadings. Unless the court orders otherwise, any amended pleading must be complete in itself and must not incorporate by reference any prior pleading.

(b) Motions to Amend. Any motion to amend a pleading must be accompanied by: (1) a copy of the proposed amended pleading, and (2) a version of the proposed amended pleading that shows — through redlining, underlining, strikeouts, or other similarly effective typographic methods — how the proposed amended pleading differs from the operative pleading. If

the court grants the motion, the moving party must file and serve the amended pleading.

D. Minn. LR 15.1.

Here, Reuben did not file a copy of the proposed second amended complaint until 11 days after he filed the Motion and 7 days after the March 19, 2024 deadline in the Court's Order, making it untimely. (*See* Dkts. 70, 71, 75.) Moreover, Reuben did not file a version of the "Amended-2" document that shows how it differs from the Amended Complaint (or, given that both are handwritten, otherwise explain how it differs). *See* D. Minn. LR 15.1(b)(2). Finally, the "Amended-2" document Reuben filed on March 26, 2024 appears to reference exhibits attached to the Amended Complaint but not attached to the "Amended-2" document. (*See generally* Dkt. 75 (referencing exhibits not attached to that document); *see also* Dkts. 41 (Amended Complaint), 42 (Exhibits 1-27).) Any amended pleading must be a standalone pleading, meaning that it must incorporate and not simply refer to earlier-filed complaints or documents. *See* D. Minn. LR 15.1(a). Consequently, the Court denies Reuben's Motion for failure to comply with Local Rule 15.1 and the Court's March 5, 2024 Order.

ORDER

Based on the files, records, and proceedings herein, **IT IS ORDERED** that "Plaintiff's Motion for leave to file Second Amended Complaints" (Dkt. 71) is **DENIED**.

DATED: April 9, 2024

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge